

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

This Document Relates To:

City of Fresno v. Chevron U.S.A. Inc., et al.,
04 Civ. 04973

X

[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

After having considered the foregoing Stipulation of Dismissal with Prejudice re City of Fresno's Nuisance Claims for Certain Defendants at Certain Sites, and for good cause shown, the Court hereby:

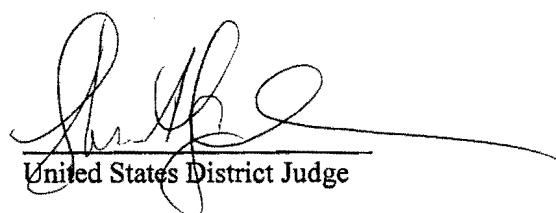
ORDERS, ADJUDGES, AND DECREES that claims and demands of Plaintiff City of Fresno based in nuisance with respect to the parties and sites listed below are hereby DISMISSED WITH PREJUDICE, each party to bear its own costs, expenses, and attorney's fees in connection with this dismissal of nuisance claims at the stations that are the subject of this stipulation and order:

1. M&S Texaco, 2619 S. East Avenue: Kern Oil & Refining Co. ("Kern Oil"), Lyondell Chemical Company
2. Tosco #30587, 1610 N. Palm: Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company, Chevron U.S.A. Inc.
3. 7-Eleven #19198, 1596 N. Palm Avenue: CITGO Petroleum Corporation
4. Valley Gas, 2139 South Elm Street: Kern Oil, Tesoro Corporation (f/k/a Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.)
5. Chevron #9-4374, 1160 Fresno Street: Union Oil Company of California, Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company
6. Shell (1212), 1212 Fresno Street: Kern Oil, Lyondell Chemical Company
7. Unocal #6353, 1418 E. Shaw: Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company, Chevron U.S.A. Inc.
8. U&A Gas & Food Mart, 2929 N. Blackstone: Tesoro Corporation (f/k/a Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.)
9. Gilbert's Exxon, 4142 East Church: Coastal Chem, Inc., Lyondell Chemical Company, Exxon Mobil Corporation
10. Van Ness Auto, 2740 North Van Ness: Union Oil Company of California, Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company
11. Smith Tank Lines (Former Carey Oil), 30 E. Divisadero Street: Kern Oil, Valero Marketing and Supply Company, Valero Refining Company—California, and Ultramar Inc.

12. Red Triangle, 2809 South Chestnut Avenue: Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company, Nella, Exxon Mobil Corporation, Tesoro Corporation (f/k/a Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company (erroneously named as Tesoro Refining and Marketing Company, Inc.), Valero Marketing and Supply Company, Valero Refining Company—California, and Ultramar Inc.
13. Chevron #9-9093, 3996 N. Parkway Drive: Union Oil Company of California, Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company
14. Tosco #39118, 1605 N. Cedar: Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company, Chevron U.S.A. Inc.
15. Beacon #3519, 4591 E. Belmont Avenue: Kern Oil
16. Beacon-Arco #615, 1625 Chestnut Avenue: Kern Oil
17. Exxon Service Station, 4594 East Tulare Street: Coastal Chem, Inc., Kern Oil, Lyondell Chemical Company
18. 7-Eleven #13917, 3645 Olive Avenue: CITGO Petroleum Corporation

IT IS SO ORDERED.

Dated: March 29, 2013



A handwritten signature in black ink, appearing to read "J. H. B.", is written over a horizontal line. Below the signature, the text "United States District Judge" is printed in a smaller, sans-serif font.